IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO : 13929 of 1993

Between:

Annapurna Mahila Super Bazar, Manthani, Rep. President-

Satya Bhama, W/o. Narasaiah, Manthani, Karimanagar.

..... PETITIONER

AND

1 The District Collector, (CS), Karimnagar, Karimnagar District.
2 The Joint Collector (CS), Karimnagar, Karimnagar District.
3 The Revenue Divisional Officer, Manthani, Karimnagar.
4 S.Satyanarayana, R/O Manthani, Karimnagar.
5 The Mandal Revenue Officer, Manthani,
Karimnagar.

(R5 is impleaded as per Court order dated 1.10.1993

in W.P.M.P No. 18565 of 1993)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of Writ of Certiorari, calling for the records relating to the order dated 14/06/1993 made in Proc.G4/439/93, passed by the 1st respondent and quash the same as it is without authority of law.

Counsel for the Petitioner: M/S.MOHAN VINOD & ASSOCIATES

Counsel for Respondent Nos.1, 2, 3 and 5: GP FOR CIVIL SUPPLIES

The Court made the following Order:

THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

WRIT PETITIONNO. 13929 OF 1993

ORDER:

On the basis of the information furnished by the Mandal Revenue Officer, Manthani that the petitioner herein was diverting the public distribution system rice from the Fair Price Shop of Annapurna Mahila Super Bazar, Manthani into the black market, the Revenue Divisional Officer, Manthini vide the order
dated 23.7.1990 kept the authorization of the petitioner under suspension in exercise of the power conferred under sub-clause (4) of Clause 3 of the Andhra Pradesh Scheduled Commodities (Regulation Distribution by Card System) Order, 1973 (for short 'the Control Order').

It appears that the proceedings initiated against the petitioner under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') ended in his favour. The Collector, Civil Supplies having noted that the proceedings initiated against the petitioner herein were dropped, expressed his opinion that the authorization of the petitioner can be restored enabling it to function as the authorized Fair Price Shop Dealer.

It is not known as to under what authority the District Collector could have issued such a note to the Revenue Divisional Officer who is the competent authority to restore the authorization of the petitioner kept under suspension under the provisions of the Control Order. The Revenue Divisional Officer, Manthani vide proceedings dated 25.1.1993 pursuant to the note of the District Collector restored the authorization of the petitioner under the provisions of the Control Order.

That order of the Revenue Divisional Officer was challenged by the 4th respondent herein before the District Collector, Karimnagar. The District Collector upon consideration of all the facts came to the right conclusion that the proceedings initiated against the petitioner herein under the provisions of the Control Order cannot be closed on the ground that the proceedings initiated against it under Section 6-A of the Act were dropped. The District Collector held that the two proceedings initiated against the petitioner, one under Section 6-A of the Act and the other under the provisions of the Control Order for cancellation of the authorisation are different and distinct. It is under those circumstances, the District Collector directed the Revenue Divisional Officer to complete the enquiry initiated against the petitioner herein and pass appropriate orders in accordance with law. The Revenue Divisional Officer was further directed to appoint a fit and proper person as a temporary dealer and such temporary dealer to be appointed shall be only a woman candidate as per the Government instructions. The Revenue Divisional Officer was accordingly directed to issue final orders.

The said order passed by the District Collector is impugned in this writ petition. I do not find any merit whatsoever in this writ petition. The District Collector rightly observed that the proceedings initiated against the petitioner herein for contravention of the provisions of the Act are totally different and distinct from the proceedings initiated against the petitioner under the provisions of the Control Order. That on the basis of the information furnished by the Mandal Revenue Officer, Manthani two proceedings may have been initiated against the petitioner. It was open to the authorities to confiscate the stocks seized under Section 6-A of the Act on the ground that the stock meant for distribution by way of public distribution system was being diverted into black market. Simultaneously it was also open to the authorities to pass appropriate orders for the cancellation of the licence if the charges against the petitioner were held proved that it contravened the provisions of the Clause 3 of the Control Order.

For whatever reason, the proceedings initiated under Section 6-A of the Act against the petitioner were dropped with which we are not concerned for the present in this writ petition. That order shall in no manner preclude the competent authority to make an appropriate enquiry into the allegations levelled against the petitioner and pass final orders in accordance with law.

It is not known as to whether any further enquiry was held by the Revenue Divisional Officer after placing the authorization of the petitioner under suspension vide order dated 23.7.1990. If the proceedings have already been dropped, there can be no legal impediment for restoring the authoritsation of the petitioner enabling it to function as a Fair Price Shop Dealer. If the proceedings have not been finally terminated, interests of justice requires immediate and expeditious disposal of the proceedings, if any pending against the petitioner.

In the circumstances, there shall be a direction to the Revenue Divisional Officer to dispose of the proceedings, if any pending against the petitioner within a period of four weeks from the date of receipt of this Order. In the meanwhile, the same arrangement existing as on today for the purposes of distribution of the essential commodities to the card holders shall be continued until the disposal of the proceedings.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

23..07..2004

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Note: Registry is directed to despatch the

Copy of the order within ten days.

B/O

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The District Collector, (CS), Karimnagar, Karimnagar District.
2 The Joint Collector (CS), Karimnagar, Karimnagar District.
3 The Revenue Divisional Officer, Manthani, Karimnagar.
4 The Mandal Revenue Officer, Manthani, Karimnagar.

5 2 CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT).

6 2 CD Copies.